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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 IN RE OPTICAL DISK DRIVE PRODUCTS
15 ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

Case No. 3:13-cv-5371-RS

17 This document relates to:

**STIPULATION AND [PROPOSED]
ORDER PERMITTING HP TO FILE A
SECOND AMENDED COMPLAINT**

18 Hewlett-Packard Company,

Hon. Richard Seeborg

19 Plaintiff,

20 v.

21 LG Electronics, Inc., et al.,

22 Defendants.

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STIPULATION AND [PROPOSED] ORDER PERMITTING HP
TO FILE A SECOND AMENDED COMPLAINT
MDL NO. 2143 CASE NO. 3:13-cv-05371-RS

1 Plaintiff HP and Defendants, through the undersigned counsel, request that the Court enter
2 the following order granting HP leave to file a Second Amended Complaint and extending
3 Defendants' time to answer or otherwise respond to the Second Amended Complaint.

4 WHEREAS, on October 24, 2013, HP filed a Complaint in the United States District
5 Court for the Southern District of Texas, which case and Complaint were subsequently
6 transferred to this Court as part of this MDL;

7 WHEREAS, on April 17, 2014, the Pioneer Defendants filed a motion to dismiss the
8 Complaint and all other Defendants answered the Complaint;

9 WHEREAS, on May 8, 2014, HP filed a First Amended Complaint, pursuant to Fed. R.
10 Civ. P. 15(a)(1)(B) permitting amendment as a matter of course;

11 WHEREAS Defendants' responses to the First Amended Complaint would be due on May
12 22, 2014;

13 WHEREAS HP wishes to file a Second Amended Complaint that would add further
14 particularized factual allegations against the Pioneer Defendants but would not add new legal
15 claims or factual allegations against any other Defendants, except insofar as added factual
16 allegations against the Pioneer Defendants may mention other Defendants;

17 WHEREAS Defendants do not object to the filing of such a Second Amended Complaint;

18 NOW, THEREFORE, it is stipulated by and between the undersigned parties, by their
19 respective attorneys, that:

20 1. HP shall be granted leave to file a Second Amended Complaint within thirty (30) days
21 after the Court's approval of this Stipulation and Proposed Order.

22 2. Defendants shall have forty-five (45) days from the filing of the Second Amended
23 Complaint to respond thereto. To the extent any Defendant or Defendants move to dismiss the
24 Second Amended Complaint, the parties shall work in good faith to reach an agreed-upon briefing
25 schedule that they shall present to the Court no later than fourteen (14) days after the filing of the
26 motion.

27 IT IS SO STIPULATED

ATTESTATION

Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: May 22, 2014

/s/ Lester C. Houtz

Lester C. Houtz

CERTIFICATE OF SERVICE

In accordance with Rule 5-5 of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Lester C. Houtz, hereby certify under penalty of perjury under the laws of the United States of America that on May 22, 2014, a true copy of the above document was filed through the Court's Case Management/Electronic Case Filing ("CM/ECF") System and served by that System upon all counsel of record registered for the System and deemed to have consented to electronic service in the above-captioned case. Any other counsel of record will be served by electronic mail and/or first-class mail on the same date.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 Dated: 5/23/14, 2014
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Honorable Richard Seeborg
United States District Judge

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